

First Published in the Wichita Eagle on September 16, 2005.

RESOLUTION NO. 05-456

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING THE BENEFIT FEE FOR **MAIN 4, NORTHWEST INTERCEPTOR SEWER (SOUTH OF 13TH, WEST OF 119TH ST. WEST) 468-84006**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ASSESSMENT OF THE CONSTRUCTION OF **MAIN 4, NORTHWEST INTERCEPTOR SEWER (SOUTH OF 13TH, WEST OF 119TH ST. WEST) 468-84006**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution **No. 05-232** adopted on **May 3, 2005**, is hereby rescinded.

SECTION 2. That the City Clerk has received a Petition requesting that certain properties be served by **Main 4, Northwest Interceptor Sewer (south of 13th, west of 119th St. West) 468-84006** and it is necessary and in the public interest to assess a benefit fee against property owners which benefit from said sanitary sewer main but which were not included in the original improvement district.

SECTION 3. That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee shall be assessed against the improvement district with respect to the improvement district's share of the cost of the Sanitary Sewer Main, such benefit fee to be in the amount of **One Hundred Two Thousand Five Hundred Seventy-Five Dollars (\$102,575)**.

SECTION 4. That the benefit fee for said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

WHISTLING WALK ESTATES

Lots 1 through 8 Inclusive, Block A
Lots 1 through 8 Inclusive, Block B
Lot 9, Block B except for Floodway
Lots 1 and 2, Block C except for Floodway
Lot 3, Block C
Lots 4 and 5, Block C except for Floodway

WHISTLING WALK ESTATES 2ND ADDITION

Lots 1 except for Floodway
Lots 2 through 5 Inclusive
Lots 6 and 7 except for Floodway

WHISTLING WALK ESTATES 3RD ADDITION

Lots 1 and 2, Block A except for Floodway and except that part deeded to the City

WHISTLING WALK ESTATES 4TH ADDITION

Lots 1 through 3, Block 1 except for Floodway

Lot 4, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a **fractional** basis with Lots 1 through 8, Block A, Lots 1 through 9, Block B, Lots 1 through 5, Block C in WHISTLING WALK ESTATES each paying 11/528 of the cost and with Lot 1 and that part of Lot 2 beginning at the NW corner; SE to the NE corner SE 83.04' NW to the beginning in WHISTLING WALK ESTATES 2ND ADDITION paying 24/528 of the cost and with Lot 2 except beginning at the NE corner; thence NW along the N line 662.26' to the NW corner SELY 667.45' to a point 83.04' S of the NE corner NLY along the E line to the beginning in WHISTLING WALK ESTATES 2ND ADDITION paying 24/528 of the cost and with Lots 3 through 7 in WHISTLING WALK ESTATES 2ND ADDITION each paying 24/528 of the cost and with Lots 1 and 2, Block A in WHISTLING WALK ESTATES 3RD ADDITION each paying 11/528 of the cost and with Lots 1 through 4, Block 1 in WHISTLING WALK ESTATES 4TH ADDITION each paying 24/528 of the cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program. .

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A.12-6a01 et seq., as amended and supplemented, and K.S.A. 12-693.

SECTION 8. Be it further resolved that the benefit fee and associated costs for the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, September 13, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)